

Message Text

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42

ACTION L-02

INFO OCT-01 ARA-06 EUR-12 ISO-00 SCA-01 JUSE-00 DEAE-00

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P 041631Z DEC 74

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 4810

AMCONSUL MARTINIQUE

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E.O. 11652: N/A

TAGS: OGEN, PFOR, CPRS, MB, FR

SUBJECT: EXTRADITION: BETTANCOURT, NEWBALL, GOMEZ

REF: MARTINIQUE 426

1. WE ARE PUZZLED BY MARTINIQUE PROCUREUR'S INTERPRETATION OF EXTRADITION CONVENTION AND BY GENERAL COURSE THIS CASE HAS TAKEN. CONVENTION SAYS FORTY DAY PERIOD STARTS WITH "DATE OF (PROVISIONAL) ARREST IN FRANCE". ACTION WHICH HAS TO BE TAKEN WITHIN THIS PERIOD IN ORDER TO PRECLUDE RELEASE OF DEFENDANTS UPON ITS EXPIRATION IN PRESENTATION OF "FORMAL REQUISITION FOR SURRENDER WITH DOCUMENTARY PROOFS". IN PAST CASES BOTH WE AND FRENCH HAVE INTERPRETED THIS TO MEAN PRESENTATION OF THIS REQUISITION WITH PROOFS BY EMBASSY TO FOREIGN OFFICE. IT HAS NOT TO OUR KNOWLEDGE BEEN INTERPRETED AS MEANING DATE ON WHICH EXTRADITION PAPERS REACHED SOME OTHER AUTHORITY (E.G. A PROCUREUR) WITHIN FRENCH ADMINISTRATION. OF COURSE, IT IS QUITE POSSIBLE INTERPRETATION OF LOCAL PROCUREUR IN MARTINIQUE MIGHT PREVAIL IN THIS PARTICULAR CASE.

2. WE THOUGHT (MARTINIQUE'S 415) THAT SUBJECTS HAD BEEN ARRESTED, NOT ON THE BASIS OF OUR REQUEST, BUT ON CHARGES OF BREAKING FRENCH LAWS. WE ALSO UNDERSTOOD
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THAT PROCUREUR INTENDED TO PRESS CHARGES. NOW IT

APPEARS UNCLEAR WHETHER THESE CHARGES ARE BEING PRESSED OR HAVE BEEN DROPPED OR JUST WHAT THEIR RELATIONSHIP IS TO EXTRADITION PROCESS. NORMALLY FRENCH DO NOT SURRENDER PRISONERS TO US FOR EXTRADITION UNTIL THEY ARE THROUGH WITH THEM AND, IF CONVICTED, UNTIL THEY HAVE SERVED THEIR SENTENCES IN FRANCE.

3. IN VIEW OF WHAT WE PERCEIVE TO BE SOME CONFUSION IN THIS CASE, WE URGE DEPARTMENT TO PLAN FOR POSSIBILITY THAT SOME FUTURE INTERPRETATION MIGHT HOLD THAT 40-DAY PERIOD COMMENCED TO RUN ON DATE OF ARREST, I.E., NOVEMBER 18, RATHER THAN ON DATE PROCUREUR INFORMS DEFENDANTS OF OUR REQUEST FOR PROVISIONAL ARREST.

4. WE WILL TRY TO OBTAIN SOME CLARIFICATION FROM FOREIGN OFFICE AS TO HOW THEY INTERPRET LAW AND PROCEDURES IN THIS AND SIMILAR CASES. MEANWHILE, SUGGEST DEPARTMENT DO EVERYTHING POSSIBLE TO EXPEDITE TRANSMISSION OF FORMAL PAPERS.

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Message Attributes

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